

Remarks

Applicant has reviewed and considered the Office Action dated Feb. 23, 2004, claims 1, 27, 44-45, and 53-56 are amended, no new matter added in the claims. Reconsideration of the present application is respectfully requested.

Claim 1, 29, 47, 50, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson.

Claim 1 is recited a self watering tray for a regular plant pot, the tray has at least one post (numeral 80, in Fig. 7) extending up wardly from the walls of the tray for supporting a regular plant pot, each of the at least one post separate from each other, and not hollow, the at least one post made enough space for reserving fluid in the tray. The shape of the post may be vary.

Wilson discloses "each strip 7 includes two slots 7a, 7b which slots serve to receive an adjacent strip and secure the strips at 90 degree to each other. Wilson discloses "the posts separate" (means each group of post separate) as Examiner stated in the Action. But Wilson does not discloses or claims "each of the post separate from each other". Clearly, Wilson discloses a framework to support a plant pot or growpad. Obviously, the posts in claim 1 of present invention claimed is different with Wilson's, and patentable over Wilson, claims 29, 47 and 50 are dependent claim of claim 1, also patentable over Wilson.

Claim 53 recited a self watering tray with at least one leg, the at least one leg having at least three wings, the at least three wings extending outwardly from the central part. Wilson discloses: " A lattice framwork of four plastic injection moulded strips 7 slotted together....." (line 15-16, page 3). Also, Examiner stated(line 8-9, page 4 in

Examiner's action): Wilson discloses "each leg has two wings that extend away from the wick and one wing which extends to and attaches to another leg.....". But claim 53 of present invention, Applicant does not claimed "slotted together....." or ".....one wing attaches to another leg.....". Applicant disclosed: " each of the at least one leg separated from each other". Clearly, claim 53 is different with the "leg" which Wilson disclosed. Obviously, claim 53 is patentable over Wilson, claims 55 and 56 are dependent claims of claim 53, also patentable over Wilson.

Claim 1, 47, 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucas.

Lucas discloses a pot 2 formed by a plate 1 into two part: up part with the plate 1 hold a plant, and low part of the pot 2 holds water. Lucas does not discloses the apparatus having a tray and a pot. Examiner stated (in page 4): "As to Claim 1, Lucas et.al. discloses a self watering tray (Figs. 3, 5, and 6) for a plant pot (not shown but inherent in Fig. 6).....". Applicant hopes Examiner will shows Applicant how does a pot plus a tray (Examiner stated numeral 2, 4, of Fig. 6 is a tray) works. In Lucas, the self watering apparatus comprising a pot (numeral 2: side wall, and numeral 4: bottom wall) and a false bottom 1 with support 14. In present invention, the self watering apparatus comprising a tray with support for a regular pot to become a self watering. After reading the Examiner's statement on page 4 to 5, Applicant feels that Examiner either maybe misunderstood Lucas' statement or misled the readers. Clearly, Lucas' and the apparatus claim 1 claimed are two different self watering apparatus. Obviously, claim 1 is patentable over Lucas, claims 47 and 48 are dependent claims of claim 1, also patentable.

Claims 27 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated

by Rajon.

Examiner stated: ".....at least one leg (C, D, and F of Fig. 1).....the at least one leg having two sections, an up section (D of Fig. 1 and 3) and a low section (F and sidewall of region C of Fig. 1),.....low section having a closed side wall (the side wall, region of sidewall of element C).....". Clearly, Examiner stated the low section comprises F's and the sidewall of region C. But, between the F's does not "closed". In claim 27, "all" low section closed. Again, Examiner stated: "low section having a closed side wall (the side wall, region of sidewall of element C),.....". It seems that the low section does not comprises part F's. Clearly, the Examiner's first statement is against the second statement. If Examiner states: the leg comprises D (up section) and C/F (low section) (first statement), the low section does not closed between the F's; If the leg comprises D and C only (second statement), no such F's appeared in present invention. Obviously, Examiner's rejections (includes the rejection to claim 1 above) are not persuasive.

Claim 27, 45, and 52 are rejected under 35 U.S.C 102(b) as being anticipated by Travers.

Claim 27 recited a leg coupled to a tray, the up section of the leg extending upwardly from the center of the top wall of the low section. Travers discloses the up section and low section are in two part that clearly shown in Fig. 3 and 5. Clearly, travers' leg device is not the same with the leg claimed in claim 27. Obviously, claim 27 is patentable over Travers, claims 45, and 52 are dependent claims of claim 27, also patentable over Travers.

therefore, Applicant respectfully submits that claims patentably distinguishes over the cited references.

To Examiner's Responses

Examiner responses to argument (1) " Examiner considers Wilson et al. to disclose separate posts as shown in Fig. 2". Clearly, Wilson discloses multiple group posts separate from each other. Claim 1 claimed each post separates from each other.

Examiner responses to argument (2) ".....The apparatus of Lucas is capable of functioning as a tray and does meet the language of Applicant's claims". Lucas discloses a pot (numeral 2 and 4) only, the pot divided into two sections by a false bottom (Fig. 1, 3). Clearly, the apparatus of Lucas is functioning not only as a tray, but also as a pot, the false bottom supports soil and plant, does not supports a pot, because there is no pot to be supported. Claim 1 claimed a tray and a pot, and they are in two pieces, the posts support a pot. Obviously, Examiner's statement ".....meet the language of Applicant's claims." is not true.


Examiner responses to argument (3) "Rajon does disclose a leg with closed side wall. this is the region or thickness of element C whose upper face is the shoulder". Examiner's statement is not clear enough to understand. What does means "This is the region or thickness of element C" ? and thickness for what ? It means the element C is thick enough as a low section ? If it is true, why does Rajon still claims a F's part ? and the F's as a third section ? In present invention, no such third section claimed in claims.

To response (4), the claim has been amended.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance. Reconsideration of the application and a favorable response are respectfully requested.

5800 Maudina Ave.
Apt. C-2
Nashville, TN 37209
Phone/fax 615.354-0287

Respectfully submitted

By: 
Manhua Fan
Applicant

Date: May 21, 2004